

MORNING HERALD.

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Vol. V

Circulation of the Herald.
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WEEKLY HERALD, 19,000
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Of this immense issue we circulate in
PHILADELPHIA, Daily and Weekly, about 2,000
BOSTON, " " " " 1,500
CHICAGO, " " " " 1,500
BALTIMORE, (not yet established fully) " " " " 1,000
WASHINGTON, " " " " 1,000
ALBANY AND TROY, Daily and Weekly, 900

To Shipmasters and Captains of Vessels.
For some time past the new collectors of the Wall street
press, on board vessels arriving at this port with late news,
have been in the habit of falsely saying that they collect ship
and foreign news for all the New York papers. In consequence
of this falsehood, many captains give them papers and packages
which are intended for the Herald. No later than yesterday,
one of these Wall street collectors made such a representation
to the captain of the St. Lawrence.

Now, therefore, we hereby give notice to all shipmasters and
captains of vessels, that neither Banker, nor Lowndes, nor
Cooper, nor any other Wall street loafer, has any authority to
get papers or packages intended for the Herald. Robert S.
Harris, and his trusty red-whiskered mate, together with the
pilots belonging to the New York Pilot Company, alone are au-
thorized to take any papers or packages for this journal. A
special notice—take heed.

New York 8th April, 1840.

County Court.

Present—the three Judges of the Common Pleas, the

Recorder and Aldermen.

MAY 7.—In the matter of Henry W. Merritt, one

of the Special Justices, &c.—William Calder

recalled by the District Attorney.—The examination

of Peter Haines is in my hand writing. The affidavits

now produced is in the hand writing of Homan. The

document that Madison Hawks was a material witness to

the conviction of Seelye. At the bottom of this pa-

per is a memorandum of the amount of bail, \$3000.

It is dated 27th May, 1838.

Cross-examined by Mr. Cutting.—It was growing

towards dark when Homan applied to me to go and

arrest Seelye. I did not know of Merritt and Sparks

bringing in a prisoner after Homan had asked me

to go with them. I do not know why Homan

asked me to go to arrest Seelye. Neither Merritt

nor Sparks were in the office, and I suppose that

was the reason why Homan asked me to accompany him.

It was very shortly after Merritt and Sparks came

in that we all started. Not more than ten minutes

I should say. I have no recollection of seeing Homan,

Merritt and Sparks together that night. Have

no recollection of Homan complaining of their being

late. I cannot say about the prisoner's coming in

with Merritt and Sparks. I have tried to refresh

my recollection, but am unable. Here the witness

produced the records of the police office, and said

the name of that prisoner must have been Thomas

Cooper, arrested for stealing \$300 in bills. Sparks,

officer, discharged and delivered over to the authori-

ties of New York. I said yesterday there were two

officers against Seelye. I now say there were three.

The first charge against Seelye precedes that of the

Hawks in the records of the office. As the entries

are at the close of the day, it is a fair inference to

suppose they were made immediately after the ar-

rest. I had every reason to believe that the officers

had told Police Justices Lowndes and Bloodgood of

the expected arrest of Seelye and the other men.

Lowndes was present when the prisoner was brought

in. Bloodgood was to aid in the arrest of Hawks.

I expected that we should have to arrest counter-

feiters. At that time the city was flooded with

counterfeit Fives of the Bank of the State of New

York. Numbers had been deposited in the office by

persons who had been defrauded in that way. Sparks

entered the store first. My eyes were directed to

the door of the store in Dey street. I never took

my eyes off the door. I never saw any thing in the

shape of a man come out before I went into that

store.

Question.—Could you have distinguished a black

man from a white man that night?

Witness.—I do not think it could have been possi-

ble from where I stood. We could discover Homan

and Merritt because we knew them, and if any thing

had come out, I must have seen it.

By Judge Ulshoeffer.—It was not a moonlight night,

but it may have been starlight.

By Cutting.—A man could not have come out with-

out my seeing him.

Some of the affidavits brought away are endorsed

W. M. S. some W. H. S. and some Z. H. 24th

May, 1838. I do not know who carried away the

folded bills found along with Seelye. I could not

find the bill found which was taken in the case of

Seelye.

Recorder.—Seelye was bailed before me.

Witness.—I remember the time when Moore was

in custody. Homan said he had been shown the

papers to Phoenix, and he said that Moore could

not be convicted.

Cutting.—State what was the reason why the pro-

secution would have failed.

Witness.—I have no recollection on that subject.

Cutting.—Was there any other person except

Haines, who could have been a witness?

Witness.—In relation to the affidavit of Haines, I

had not read it since it was drawn, and I cannot

speak to that point.

Here sundry passages of small talk passed between

Mr. O'Connor and the District Attorney, which did

not reach the reporter's table.

Witness.—The paper I hold in my hand now is a

charge of grand larceny, founded on an affidavit of

Madison Hawks, taken 31st May, 1839, before Ho-

pson.

Cutting.—Did the affidavit of Madison Hawks go

to the District Attorney?

Witness.—It must have gone, because of this

mark, and have reached its proper destination. I

went through the common ordeal, and a bill of indict-

ment was found. It was filed the 12th of May, 1839.

When Seelye was arrested, I had seen Wil-

liam Moore, but not Russell Moore, and I should not

know him that night.

District Attorney.—Has your memory been re-

freshed lately by these officers?

Witness.—I have refrained from conversing with

them on the subject, or changing ideas with them.

D. A.—Were you examined before the Police

Committee?

Witness.—Yes.

D. A.—Then I propose to give you this paper to

refresh your recollection.

[This course was objected to, and the District At-

torney tried to get his refresher into the witness'

memory, but was overruled.]

D. A.—When you entered the store in Dey street,

had not Homan a light in his hands coming out of

the office?

Witness.—After I had looked the door he had a

light. I noticed some crates near the door of that

house in Dey street, before we went in. I know John

Gurley.

O'Connor.—This relates to the third charge.

D. A.—Of course. Was he known at the Police

Office?

Witness.—I knew him, and I suppose others did.

Since I have been before the committee I have been

hunted up the charge against Gurley, and found it.

He was arrested by Sparks, on a charge of perjury, on

the 18th of September, 1837. I do not recollect that

I was present when he was brought up on the com-

plaint of Sumners. I have a paper here which

bears my endorsement, and is a complaint against him.

D. A.—You have stated, sir, that the city was

flooded with counterfeit money. Now, sir, I want

to know who was understood to be the cause of this

flood of spurious money?

Witness.—I cannot answer the question.

D. A.—You can stand aside, sir.

Witness.—I wish to say a word in explanation. I

said that Seelye was the first I ever said to arrest.

Since then I recollect I was present when Stearns

was taken.

D. A.—Do you know Mrs. Beckwood?

Witness.—I cannot say I do.

District Attorney.—After calling several witnesses,

who did not see or call Mr. Puff, and a little

hoppish fellow said he had seen a horse.

My name is Wm. J. Puff, and I live in John-street.

I knew one Seelye; he boarded where I did in Dey

street. At that time I was bar-keeper in the house

adjoining the store where Seelye was clerk. On the

night Seelye was arrested, I was standing on the side-
walk. A young man had previously enquired for
Seelye, and his order came to send him into the
store. This induced me and the cook to go into the
street. After we had been there 10 or 15 minutes,
we saw our man come across the street, and rap at
the door. The door was closed when the man
knocked, and a man stood in the entrance as the
man slipped in; two or three came across the street,
and went on the stoop. It was a white man. There
was either two or three on the stoop when a man
came out, and I think it was the same man as en-
quired for Seelye at our house. There were two or
three men either on the stoop, or close by it.

[Here the District Attorney produced a diagram,
which he showed to the witness.]

District Attorney.—Describe the man you saw
come out of that house.

Witness.—I saw him in this Court. That man
passed out between the two or three persons that
advanced towards the stoop. I was not more than
door from the door, and had advanced so near
in order to see what was going on.

Recorder.—When and where did you see the man
in Court?

Witness.—I saw him give testimony here. He
was called Russell Moore.

Cross examined by Cutting.—I have seen the man
also in a public house, and pointed him out to another
man, but who, I do not recollect. The public
house was down town, on the North River side.

I may have seen him in Fulton street, but have no
recollection. I saw him in the day time, and I
exclaimed to some one, that is the man that escaped
out of the door on the night of Seelye's arrest. I only
knew the date by having seen it stated some-
where on the 25th of May. The man knocked at the

door perhaps less than a minute before it was open-
ed. I saw him step into the door and I lost sight of
him, for the other came up and he might have got
out. A very short time elapsed after the first man
knocked before the others came across the street—
The door had been opened about half a minute.

Judge Ulshoeffer.—What did that man do that
caused you to see him?

Witness.—He passed up the street.

By Cutting.—I did not observe that man strike
against any person. I do not know the man that
knocked at the door. I do not remember having
seen the person since who knocked at that door. I

do not know that ever I spoke to Russell Moore ex-
cept when he came to ask for Seelye, and that was
less than a month before it was opened. The man was a mid-
dling size man that knocked at the door, but I should
not recognize him again. Moore I knew, because
he had been to enquire for Seelye. The cook said Seelye
had seen something, because he had heard the man
say, "we've got you now." The next day we
heard of his arrest.

By the District Attorney.—I believe the cook went
to see.

Witness.—I have seen Seelye once after he was
bailed out, and once within the last six months. The
man that knocked wore a frock coat.

By Cutting.—If you cannot describe the figure of
the man how do you know he had a frock coat?

Witness.—Why the man was between the size of
the Belgian Giant and myself. I can't describe
him otherwise.

By Judge Inglis.—The man that came out passed
between the two or three men that came across the
street. I heard some whispering as I came across
the street. After I stood there they had taken Seelye
off, I went to the store door and heard voices, and I
think there was light within the store.

By Cutting.—There was only one door, and that I
think was a double door. At that time I had lived
there two years.

By the District Attorney.—There had been some
little alterations.

Judge Inglis.—Who first called on you to give tes-
timony?

Witness.—I only know that I was subpoenaed
here.

By the District Attorney.—I will give the whole
explanation if the Court wishes.

Horatio Bartlett examined.—I am one of the editors
of the Sun, and was thereporter for that paper up
to about one year and a half ago. Paper produced,
dated 29th of May, 1838—article in that paper writ-
ten by me, from a statement furnished in writing by

Homan. Had a conversation with Merritt upon the
same subject, which I cannot recollect. Homan
gave me a great many particulars, which was not in-
tended for publication. Homan was not present
when I had the conversation with Merritt. Inde-
pendent of the writing I had from Homan, Merritt
gave me an outline of the arrest of Seelye. He said
that Homan arranged it, and that he, Merritt, had
but little to do with it. I do not think he said any
thing about Callender. He said that Sparks station-
ed himself at the door, and that he, Merritt, and Ho-

man, went in and secured the man. He also stated
that quite a number of persons had been engaged
with Seelye in robbing stores, and that he thought
some of the gang had been concealed in the store,
and possibly had made their escape through the scut-
tle.

He said the person who opened the door came
out, and they entered. Both Homan and Merritt
said this. I do not mean that the person who opened
the door came out, but some one. They did not say
why they did not secure that man. After the publi-
cation of that article, I do not remember having any
conversation with either Homan or Merritt. Mr.
Merritt's Counsel declined to cross-examine this
witness.

James E. Hyde examined.—I am the keeper of the
City Prison, I now produce the commitment of John
Gurley, and the discharge also. Both are signed
by Henry W. Merritt; both are dated the same day.
There was a woman in my custody that day, but I
have neither commitment nor discharge. I've not
got all the commitments of the 8th April, 1838. I
have one of John B. Cornell, which is in the hand-
writing of Mr. Merritt, and dated 1st Dec. 1839;
the discharge came the same day.

Oliver M. Lowndes examined.—I was a Police
Justice at the time Seelye was arrested; I was pre-
sent at the time Seelye was brought into the office.

It was as late as half past 8 or 9; it was not my
week of duty. The division of labor then was for a
magistrate to discharge the watch, and to be relieved
about 2 o'clock. On one who would sit the re-
mainder of the day. On referring to the book I find
that Mr. Bloodgood discharged the watch, and hence
infer that it was my week off duty. During the last
year I was a magistrate I was engaged in a business
in Philadelphia which often carried me out of town.

My recollection of the Seelye affair is that I was pre-
viously informed that a very brilliant fellow would be
arrested that night. One of the three Homan,
Sparks or Merritt, told me, and I believe it was
either Sparks or Homan, Homan has since told me it
was him.

District Attorney.—Were you informed of the ar-
rangement for the arrest of Seelye, and was you con-
sulted, and did you assent to this plan which has
been so spoken of.

Witness.—I cannot say. If I had been consulted,
I should have taken care to have known all the cir-
cumstances. I cannot say that Mr. Merritt ever
spoke to me about the Seelye arrest, and the previ-
ous plan with Russell Moore. My impression is
that Homan told me of it. There has been a state-
ment made respecting a \$50 bill. I have a recollection
of going to the bank to change one bill for another.

My recollection is vivid as to Homan and
Sparks; but I cannot say that Merritt was present.
Homan has a peculiar way of telling a story, and I
do not know that I could repeat it. I think one of
them said, "you know Mr. Howe, the President of
the Union Bank?" I said "no." I understood that
it was to be used for the purpose of detecting some
one engaged in counterfeiting. There was no other
Magistrate present, and I left, and went down at
once. I walked very fast. I do not know what
Homan said about the bill; but another \$50 bill of
a different emblem was procured. I cannot say how
long this was before Seelye's arrest, and Moore's dis-
charge. Homan was a man whom I put great con-
fidence in, and I had a high opinion of his shrewd-
ness and ability. I would have done things at his
suggestion, which, if other officers had proposed, I
should have made rigid enquiry into. I think I was
present when Seelye was brought in, and the previ-
ous plan had been made. I recollect that Callender
came in, but I cannot tell who was first—for I direct-
ed my attention to the prisoner. I stood until after
Bloodgood came in. I made no enquiries at that
time, but afterwards I asked about the \$50 bill. I

do not know that Merritt, Sparks and Homan knew
that Smith Davis was connected in passing the New-
York fives.

Examination resumed.—Smith Davis was arrested
on a charge of furnishing women and others with
counterfeit bills, to be passed on Long Island. I
issued a warrant for his arrest. After it had been
carried into effect, Merritt expressed his opinion
that Smith Davis was innocent. He said that he did
not believe that Davis had been engaged in such
practices for some time. I cannot speak definitely,
but he expressed that opinion pretty strongly.

Here a fierce volley of words passed between the
Counsel, which fire was with difficulty stopped by
the Court.

Mr. Cutting declined asking Mr. Lowndes any
questions.

John M. Bloodgood examined.—I am a Police Jus-
tice. I went to the store of Earle and somebody yes-
terday. It is one or two doors below Church street
—I said it was the store where Seelye was ar-
rested. The diagram shown me now is a correct
representation of the same. The house is on the
north side of the street, and the door opens to the
right, the other half is bolted. The width of the
door way is 5 1/2 feet. I examined the office—it
was on the left as you go in. The space between the
partition is 2 1/2 inches. The length of the parti-
tion is 8 feet 5 inches—the height of the breast-
work is 4 feet 5 inches.

District Attorney.—What knowledge had you, sir,
of the plan for the arrest of Seelye?

Witness.—None whatever, sir.

District Attorney.—Did you meet with the officers
when Hawks was arrested?

Witness.—I did.

Examination resumed.—Homan and Sparks asked
me if I was going to be in the neighborhood of Grand
and Broadway. It was on the 24th of May, and not
on the 25th. I said I could if they wished me. They
said they were going to arrest some man; were fear-
ful of a rescue, and wished me to be there. I said I
certainly should be there. I told them where to find
me at 8 o'clock. About half past 8 Sparks came, and
we met Merritt near Tattersall's, and then
went up Grand street. Merritt went in first, and
was followed by Sparks. I brought up the rear.

Merritt seized a man on one side and Sparks seized
him on the other. Several persons were present,
and they asked "what was the matter?" I said "Oh!
nothing but a thief." The name of that man was
Scottishman. I do not know his name. I never knew
him before. I think that Homan told me
that they expected to find some silk handkerchiefs in
his hat. I cannot explain why Hawks was commit-
ted as a witness when he was charged with being a
burglar. I have no distinct recollection on the sub-
ject, but I suppose there was not sufficient knowl-
edge of his late life.

Let the officers into the store in Dey street. [Bail
bond in the case of William Moore shown to wit-
ness.]

District Attorney.—At whose instance was he
bailed?

Witness.—Why, I took bail in \$1,000, and I thought
I did all the law required of me. Homan requested
me to get a little as a little as bail would be there
for Moore and Homan from the back room
into the room with the folding door, and said the
District Attorney had said those men might be taken
as bail for William Moore. I swore the bail myself.

I took that bail in good faith, and the first I heard
of its being sham bail, was in this room, from William
Calendar. I do not know where Sparks and Mer-
ritt went that night. I did not know of any other
complaints against Moore that night.

District Attorney.—How could Homan get a pri-
soner out of prison?

Witness.—Only by an order from the magistrate.

District Attorney.—Was Moore finally committed?

Witness.—There was one commitment by Ho-
pson 6th April, 1838, for examination; two ch
Homan 7th against him, on which he was committed
in full, along with Bradley Bane. Another I find on
the 13th, a commitment against him.

James Cogswell examined.—I was the keeper of
the prison in 1838. I have no commitments now. I
know what has become of one paper.

District Attorney.—Which paper?

Witness.—The writ of discharge of William Moore,
which I delivered to you in open Court, at the trial
of Smith Davis. While Moore was in my custody at
Bellevue, I did not see Mr. Merritt there. Homan
was there repeatedly. I received an order from Mr.
Hopson to allow Russell Moore to see Willis when-
ever he chose alone. I refused to do this unless
Russell was searched before he went in. I searched
Russell, and found a large dish in his bosom. I in-
formed the magistrates of the fact, and asked them